

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Section 68.4 of the Commission's Rules)	
Governing Hearing Aid-Compatible)	WT Docket No. 01-309
Telephones)	
)	
Petition for Waiver of Section)	
20.19(d)(2) of the Commission's Rules)	

**Centennial Communications Corp.
Petition For Waiver Of Section 20.19(d)(2)
Of The Commission's Rules**

Centennial Communications Corp. (Centennial") by its attorneys and pursuant to 47 C.F.R. §§ 1.3 and 1.925, hereby respectfully requests a waiver of Section 20.19(d)(2) of the Commission's rules, which requires providers of public mobile service to offer at least two handset models with a U3T rating that are compatible with hearing aids that use inductive coupling by September 18, 2006.¹ Centennial requests a nine month extension - until June 18, 2007 - to meet this requirement.

I. BACKGROUND

Centennial holds 34 CMRS (cellular and PCS licenses) in six states, as well as the B Block broadband PCS license in MTA 25 – Puerto Rico/US Virgin Islands. In our domestic markets, Centennial provides digital service utilizing a GSM air interface and Motorola, Nokia, Sony Ericsson, LG and Samsung equipment. In the Caribbean market, Centennial completed a network upgrade in the summer of 2005 and now utilizes a CDMA air interface and Motorola and Nokia handsets. In each of its domestic and Caribbean markets, Centennial presently offers three handsets that are compatible with

¹ 47 C.F.R. §§20.19(b)(2),(d)(2).

hearing aids that use acoustic coupling, meeting the FCC's requirements under Section 20.19(b)(1) of the rules.² In addition, in our domestic markets, Centennial presently offers one handset with a U3T rating (the LG2000); however at this time, the LG2000 is only available as a special offer via Centennial's website. Centennial is in the process of making the LG2000 available for purchase in our stores, and we expect this to occur by September 22, 2006.

Centennial is fully committed to ensuring access to digital wireless services by individuals with hearing loss. However, because both GSM and CDMA hearing aid compatible ("HAC") handsets that meet the FCC's inductive coupling requirements are not widely commercially available in sufficient quantity to allow Tier II service providers such as Centennial to obtain them by the September 18, 2006 deadline, Centennial is compelled to seek a waiver of the September 18, 2006 U3T handset deadline.

II. RELIEF SOUGHT

Centennial seeks a relatively short extension of the deadline imposed by 47 C.F.R. § 20.19(d)(2), requiring providers of public mobile service to offer at least two handset models with a U3T rating that are compatible with hearing aids that use inductive coupling by September 18, 2006. Centennial is seeking a nine-month waiver of § 20.19(d)(2) of the rules, however, Centennial hopes to meet two handset U3T requirement before that time.

² In our domestic markets, the following HAC-compliant phones are offered: Motorola Razor V3, Motorola V220 and Nokia 6061. In our Caribbean market, the following HAC-compliant phones are offered: Motorola Razor V3, Motorola V265 and Nokia 6255i.

III. CENTENNIAL HAS MET THE WAIVER STANDARD SET FORTH IN THE COMMISSION'S RULES

Under Section 1.3 of the Rules, the relevant sections of Title 47 “may be suspended, revoked, amended, or waived *for good cause shown*, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter.”³ Additionally, Rule 1.925 regarding wireless telecommunications services, specifically, allows the grant of waiver requests if:

(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; *or*

(ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”⁴

Under both of these standards, grant of the requested waiver is warranted.

As a Tier II wireless carrier, Centennial has faced significant burdens in obtaining U3T-compatible handsets. Even the FCC recognized the advantages that Tier I carriers have over smaller carriers in obtaining the technology required by the hearing aid-compatibility rules. In adopting higher standards for the availability and deployment of hearing aid-compatible handsets by Tier I carriers, the Commission relied on its conclusion that “Tier I wireless carriers have formidable means to drive manufacturers’ equipment development and deployment efforts.”⁵ The Commission also acknowledged

³ 47 C.F.R. § 1.3 (emphasis added).

⁴ 47 C.F.R. § 1.925(b)(3) (emphasis added).

⁵ Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible

that large carriers with the majority of subscribers are "priority customers" whose purchasing decisions significantly influence manufacturers and vendors.⁶ By contrast, "smaller wireless carriers may be disadvantaged when they seek to acquire location technologies, network components, and specialized handsets."⁷

This proposition is clearly illustrated by examining the U3T-compatible handsets currently available. According to the FCC's equipment authorization database, very few U3T handsets have been certified to date – for either GSM or CDMA air interfaces. With regard to GSM handsets, the equipment authorization database shows only six handsets with a "T3" designation. Furthermore, all of the GSM certifications were granted within the past two months - and in some cases, less than two weeks - prior to the compliance deadline, leaving an unrealistically short period of time to manufacture the handsets and ship them to carriers, especially given a typical new handset deployment timeframe of four to five months from the time the carrier requests a sample handset for compatibility testing on its network. With regard to U3T-compliant CDMA handsets, the availability to Centennial is even less than with GSM.

The Commission previously has recognized that a grant of waiver is in the public interest where compliance with a particular regulation is dependent upon the availability of equipment from manufacturers.⁸ In the *E911 Fourth MO&O*, the Commission

Telephones, Order on Reconsideration and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11221-22 (2005).

⁶ *Id.*

⁷ *Id.*

⁸ See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442 (2000) ("*E911 Fourth MO&O*"); Telephone Number Portability, Petitions for Extension of the Deployment Schedule for Long-Term Database Methods for Local Number Portability, Phase II, *Order*, 13 FCC Red 9564 (1998).

recognized that there would be instances where "technology-related issues" would cause a delay in a wireless carrier's ability to meet a deployment deadline in the Commission's rules.⁹

An extension for Tier II and III carriers is especially justified given the structure of Section 20.19(d) of the rules, where equipment manufacturers are not required to make compliant handsets "commercially available" until September 18, 2006, the exact same day that carriers are required to offer the phones to customers – thereby forcing carriers into the position of having to "instantaneously" provide handsets to its customers on the same date.

Finally, as mentioned above, Centennial currently provides three handsets each in its domestic and Puerto Rican markets that are compatible with hearing aids that use acoustic coupling. In its domestic markets, Centennial actually offers one handset that is U3T-compatible, although not yet available in its stores. Therefore, in its domestic markets, Centennial customers with hearing loss will be able to avail themselves of Centennial's service until the second U3T-compatible handset is available. As a result, the public interest will not be harmed and the underlying purpose of the requirements in 20.19(d)(2) would not be frustrated by the deadline extension Centennial seeks.


IV. CONCLUSION

In light of the foregoing, Centennial respectfully requests that the Commission grant it a limited waiver and extend the September 18, 2006 deadline for compliance by Centennial with 47 C.F.R. § 20.19(d)(2) to June 18, 2006.

⁹ E911 Fourth MO&O, ¶ 43.

Respectfully submitted,

Centennial Communications Corp.

By: 
Theresa Zeterberg Cavanaugh
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Avenue, NW
Second Floor
Washington, DC 20006
(202) 659-9750

Its Attorneys

September 18, 2006

DECLARATION OF WILLIAM L. ROUGHTON, Jr.

I, William L. Roughton, Jr., hereby declare as follows:

1. I am Vice President, Legal & Regulatory Affairs, for Centennial Communications Corp. I have been involved in monitoring and implementing Centennial's handset compliance efforts.

2. I have reviewed the foregoing "Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules". I declare under penalty of perjury that the facts set forth therein are true and correct to the best of my knowledge, information and belief:

By: 

William L. Roughton, Jr.

Dated: September 18, 2006